

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

BC NORTH PARTNERS,
Plaintiff

v.

PENNSYLVANIA NATIONAL MUTUAL
INSURANCE COMPANY
Defendant

)
)
) No.: 1:22-cv-01134-STA-jay
)

SUPPLEMENTAL INITIAL DISCLOSURES

COMES NOW THE PLAINTIFF, by and through undersigned counsel, pursuant to Rule 26 and files its Supplemental Initial Disclosures as follows:

(i) The name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that information — that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment. In addition to those persons identified in Plaintiff's Initial Disclosures, the following employee, who may be contacted through its counsel of record, is believed likely to have discoverable information regarding any claims and/or defenses in this matter:

1. Plaintiff Louise Graves c/o Plaintiff counsel at 1255 Lynnfield Road Ste 226 Memphis, Tennessee 38119
2. Chuck Graves c/o Plaintiff counsel at 1255 Lynnfield Road Ste 226 Memphis, Tennessee 38119
3. William Griffin, 128 Poplar Street Gadsden, Tennessee 38837 731-420-1402. Mr. Griffin has information regarding the initial inspection of the property and preparation of the initial estimate.

4. Mr. Anthony Firriolo, P.E. Structural Engineer EFI Global, Inc. 1800 General George Patton Drive Bldg. B, Suite 203 Franklin, TN 37067 (615) 778-0160 Mr. Firriolo was retained by Auto-Owners after the alleged date of loss, May 4, 2020, to inspect the subject property at issue and provide opinions concerning the scope and extent of loss related to the alleged hail loss.

5. Jeremy Pate Regional Consultant United Claims Service 381 Cleveland Crossing Drive, Suite 121 Garner, NC 27529 (615) 208-5073 Mr. Pate was retained by Auto-Owners after the alleged date of loss, May 4, 2020, to inspect the subject property at issue and provide opinions concerning the extent of loss, if any, related to the alleged hail event. Mr. Pate has opinions concerning his personal observations of the condition of the subject property, the necessary repairs, and evidence related to the cause and extent of the claimed damage.

6. Jonathan Clements Appraiser Elite Roofing and Consulting AO Graves Exp Disc 230215.docx 3 330 N 8th Street, Suite 210 Midlothian, TX 76065 (469) 337-3995

Mr. Clements was retained by Auto-Owners after the alleged date of loss, May 4, 2020, to inspect the subject property at issue and provide opinions concerning the extent of loss related to the alleged hail event, while employed with J.S. Held, LLC.

Mr. Clements has opinions concerning his personal observations of the condition of the subject property, the necessary repairs, and evidence related to the cause and extent of the claimed damage.

7. Mary Jo O'Neal Umpire 2226 General Raines Drive Murfreesboro, TN 37129 (615) 849-6400 Ms. O'Neal was appointed umpire for the insurance appraisal process after the alleged date of loss, May 4, 2020, to perform her duties as umpire as prescribed in the appraisal clause, related to the alleged hail event. Ms. O'Neal has opinions concerning her personal observations of

the subject property, the amount of loss and evidence related to the scope and extent of the claimed damage.

8. All witnesses listed in Defendants Initial Disclosures

(ii) A copy — or a description by category and location — of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless the use would be solely for 2 impeachment. In addition to those documents identified in Plaintiff's Initial Disclosures, Defendants may use the following documents to support their claims and/or defenses in this action:

1. Graves Proof of Loss

2. Tendered Check for Loss

3. Umpire Report

4. Umpire Award

5. Operative Insurance Policy

Documents 1-4 were provided under cover of December 10, 2022 e-mail exhibits to Initial Disclosures. The Defendants issued and have a copy of the insurance policy.

5. All documents listed by Defendants in their Initial Disclosures.

(iii) a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;

1. Approximately \$600,000 for breach of insurance contract damages supported by the

Umpire Report and Items 2-3 listed below

2. 2. Pre-judgment interest as determined by a jury.

3. 3. Pre-judgment interest as determined by the Court.

(iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

This does not apply to Plaintiffs.

Respectfully submitted,

/s/Drayton D. Berkley
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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been served upon the following counsel of record or parties pro se in this cause **ONLY BY ELECTRONIC TRANSMISSION** to the following:

Parks T. Chastian, Esq.
Matthew B. Rogers, Esq.
BREWER, KRAUSE, BROOKS & CHASTAIN, PLLC
545 MainStream Drive Suite 101
Nashville, TN 37228
Attorney for Penn National

This, the 8th day of March 2023

/s/Drayton D. Berkley
Drayton D. Berkley